

MC/20/0841

Date Received: 7 April 2020

Location: Land Between North Bank And Conway/Haylands To South West Of Sunnyside Station Road Cliffe Rochester

Proposal: Construction of a 3-bedroomed detached dwelling with associated parking and landscaping and alterations to two existing outbuildings.

Applicant Ms Joy Weavers

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Ward: Strood Rural Ward

Case Officer: Mary Smith

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th June 2020.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: P170-04 Rev F received on 7 April 2020, P170-09, P170-10 & P170-13 received on 27 April 2020 and P170-02 Rev K, P170-07 Rev C and P170-11 Rev A received on 20 May 2020.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above ground floor slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until details of measures for the protection of trees to be retained on/adjacent to the site (including the position of tree protection fencing) have been submitted to and approved in writing by the Local Planning Authority. Paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of first occupation of the approved extension.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: Required before commencement of development in order to protect the trees from the construction period and in the interests of the appearance and character of the site and locality, in accordance with Policies BNE1, BNE25 and BNE43 of the Medway Local Plan 2003.

- 5 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and highway safety and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 6 No development above ground floor slab level shall take place until details of the provision of one electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and a timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 7 Prior to the first occupation of the dwelling hereby approved full details of hard and soft landscaping including surfacing materials and the species, size at time of planting, numbers/densities, positions and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in this rural area and accordance with Policies BNE1 and BNE25 of the Medway Local Plan 2003.

- 8 Prior to the occupation of the dwelling hereby approved details of the bin collection point including surfacing and boundary treatment and the method of use shall be submitted to and approved in writing by the Local Planning Authority. The approved details/method of use shall be retained as such thereafter.

Reason: To ensure adequate provision of refuse collection and in the interests of amenity and with regard to Policies BNE1, BNE2, T1 and T2 of the Medway Local Plan 2003.

- 9 The first floor windows on the northern elevation shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres

above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the dwelling is occupied and shall be retained as such thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The proposed dwelling shall not be occupied until the area shown on the submitted layout as vehicle parking space/car port (two parking spaces) together with the vehicle passing place adjacent to the site access and on-site turning has been provided in accordance with the details hereby approved. Thereafter these areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking, turning and access space. Vehicular access to the site shall be from the access between Conway and Langoustini only.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles and access thereto is likely to lead to hazardous conditions on the highway and to accord with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 11 Prior to the installation of any external lighting on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans) and hours of use together with a report to demonstrate its effect on nearby residential properties and the rural surroundings and how this effect has been minimised. Any external lighting on the site shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and in this rural area and with regard to Policies BNE2, BNE5 and BNE25 of the Medway Local Plan 2003.

- 12 The adjacent land owned by the applicant, currently used for dog training purposes/informal recreation as part of the use of the current application site, shall no longer be used for this purpose other than solely by the occupants of the dwelling hereby approved.

Reason: In order to prevent additional traffic movements to and from the site in the interests of highway safety and residential amenity and in accordance with Policies BNE2, T1 and T2 of the Medway Local Plan 2003.

- 13 If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B, C and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of the character and amenities of this rural location and the amenities of neighbours with regard to Policies BNE1, BNE2 and BNE25 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

It is proposed to erect a detached dwelling on this open land which is currently used as a dog training paddock. The proposed dwelling would be a chalet bungalow with a mixed roof form, the first floor being served by small pitched roof dormers and roof lights to the front and rear and windows in the northern side gable end. The maximum dimensions of the dwelling would be 11m wide by 10.25m deep with a maximum height of 7.7m to the ridge and it is proposed to use a red brick plinth, dark stained timber boarding and a clay tile roof.

The dwelling would be sited just to the rear/east of an existing stables style building which would be converted to use as a carport and store. An additional open parking area is shown next to this with turning to the front (south). There is another outbuilding adjacent to where the main part of the site meets the shared access to Station Road. Two additions to this outbuilding would be removed, providing a vehicle passing space, the remainder of the building is to be retained for storage.

The site access is a single width track between the dwellings at Conway to the north and Langoustini to the south, also appearing to provide access to Haylands to the north of Conway and being the sole means of access to Sunnyside which is further east of the

proposed dwelling. A bin collection point for the proposed dwelling is shown by Station Road on the frontage of Conway.

Site Area/Density

Site Area: 0.1673 hectares (0.4132 acres)

Site Density: 6 dph (2.4 dpa)

Relevant Planning History

MC/19/3329

Construction of one 2-bedroom and two 3 bedroom detached dwellings with associated parking and landscaping; construction of external workshop space - demolition of existing outbuildings

Decision: Withdrawn

Decided: 13 February 2020

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **Cliffe and Cliffe Woods Parish Council** was also consulted.

Eight letters have been received (including one from the Dickens' Country Protection Society) raising the following objections:

- rural area outside of any settlement, erosion of countryside;
- unsustainable location not in edge of village, no significant services with relatively poor access to services and facilities elsewhere;
- backland development;
- share the same narrow single track access with no passing with four other properties, increased traffic, difficult for services including refuse collection and septic tank emptying;
- safety issues at junction of access with busy Station Road, adjacent fence (damaged many times in the past) would be raised to protect property, poor visibility;
- formal access to this site is next to Clifton, there is no documentation that access to use the private track shown has been granted/there is no legal right to use this access and it will not be given;
- increased traffic on the busy and (too) fast B2000;
- access is very close to side of Langoustini - dust, noise, pollution and safety issues;
- loss of privacy;
- loss of views/outlook;
- noise disturbing the tranquillity of the countryside and neighbours;
- dust and noise during construction;
- further development of the adjacent land is likely;

- other applications in the area have been refused, why is this different;
- precedent for other properties/development in this stretch/area.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

A previous application for three dwellings on the site and adjacent land to the south was withdrawn following advice that it was likely to be refused planning permission with particular reference to the restricted access.

Principle

The site is located in a rural area as defined by the Medway Local Plan 2003 (the Local Plan). Policy BNE25 of this plan refers to development in the countryside, generally restricting development which does not require a countryside location. The proposed development would not accord with this policy, there being no specific justification for such development in the countryside. However, this policy is not wholly compliant with the more recent advice in the National Planning Policy Framework 2019 (the NPPF).

Although work is underway on a new local plan the Council does not currently possess a five year land supply for housing. Paragraph 11 of the NPPF says that in such circumstances there should be a presumption in favour of sustainable development, although this does not mean that applications should automatically be approved as they would still need to be assessed with regard to the other advice in the NPPF and relevant local plan policies.

Paragraph 8 of the NPPF helps to define sustainable development and paragraphs 77-79 provide advice on rural housing. In the current case it is not considered that the site is in an isolated location, such that permission should be refused with regard to paragraph 79. The site is virtually surrounded by other residential plots and is located on a bus route fairly close to Cliffe village, with its amenities, with potential occupants also likely to support some of the services and amenities offered by Cliffe Woods in the opposite direction. Further to this it is not considered that development in this location would result in significant harm to the wider character and functioning of the countryside due to the relatively enclosed location, with existing dwellings to the north, south and west. In these circumstances, bearing in mind the advice in the NPPF, it is considered that there is no overriding objection to the proposed dwelling in this location. In reaching this conclusion regard has been paid to the advice in the Medway Landscape Character Assessment

2011 (MLCA). This shows the site as being part of the Cliffe Woods Farmland character area, flat or undulating mixed farmland in moderate condition and of moderate sensitivity. It seeks to resist development that would threaten loss of distinctive character and the coalescence and suburbanisation of rural settlements, however due to the individual site circumstances it is not considered that this would occur in this case.

As well as the rural location, consideration also needs to be given to the backland location of the site. Policy H9 of the Local Plan provides advice on backland development (supported by paragraph 70 of the NPPF). In the current case it is not considered that the development would constitute piecemeal development which would threaten the comprehensive development of a wider area. The siting of the proposed dwelling would allow other development in the vicinity if such development was found to be acceptable in all other respects. The detailed assessment criteria given in Policy H9 will be considered below, however overall it is not considered that the proposed development would be contrary to the aims of this policy.

Consequently, in light of the above, the provision of a dwelling on this land is acceptable in principle.

Design

The site surroundings contain a mix of individual style dwellings, one, one and a half and two storey and the proposed chalet bungalow style dwelling would sit well within this setting. The siting of the dwelling within the plot is also considered to be appropriate, set well away from the boundary with the rear of dwellings fronting Station Road but not as far back as Sunnyside, within the central area of this small enclave of dwellings. Full details of external materials would be secured by condition however the proposed use of clay tiles with dark stained timber walls is suitable for this location.

There is no objection to the re-use of the garage style storage building at the junction of the main site with the access driveway, to be altered by the removal of two small additions, and the adaptation of the stables building to provide a carport and further storage, which would help prevent the need for further outbuildings.

In summary, the design of the proposed development and its impact on the character of the area is considered acceptable including with regard to Policies BNE1 and H9 of the Local Plan and paragraph 127 of the NPPF. However it is noted that appropriate landscaping would be key to the success of the scheme, helping it to integrate well within its surroundings, and therefore details of this would be secured by condition.

As such, subject to condition, the proposed development is acceptable.

Amenity

There are two main amenity considerations, the impact of neighbours and the standard of living for occupants of the proposed development itself.

With regard to the impact on neighbours the proposed dwelling would be over 50m from the rear of the dwellings facing onto Station Road, approximately 34m from the boundary with their gardens, there also being some planting along this boundary. It would also be approximately 25m from the outbuilding to Sunnyside which is to the north of the rear of the proposed back garden area. These distances are well in excess of what would be required to avoid an unacceptable loss of privacy to neighbours (usually 20m). The proposal for a chalet bungalow style dwelling rather than a full two storey house also helping to reduce the visual/perceived impact from neighbouring sites. In addition due to the separation distance and positioning it is not considered that the proposed dwelling would result in an overbearing impact on neighbours, including on their outlook.

The area directly to the north of the proposed dwelling is an extended garden area owned by Conway and the proposed first floor windows which could overlook this in close proximity would be obscure glazed to prevent a potential loss of privacy. The land directly to the south is owned by the applicant and would not be adversely affected, with the proposed dwelling being over 30m from the boundary with North Bank to the south of this, this being adequate distance to prevent any significant harm to this neighbour.

The access from Station Road is a narrow route between the adjacent dwellings, Conway and Langoustini, both of which have obscure glazed windows facing towards it. The track is already used by up to four dwellings as well as for access to the current site, which is well-kept and used for regular dog training activities. In these circumstances, as the site already generates some vehicle movements and the access is used by other properties as well, it is not considered that any additional noise and disturbance which would result from use by the proposed dwelling would result in significant harm to the living conditions of neighbours. The intensity of development is low, being a three bedroom dwelling on a large plot.

With regard to the level of amenity which would be experienced by occupants of the site itself the proposals have been assessed against the minimum space standards set out in the technical housing standards – nationally described space standard (the national standard). The proposed dwelling would exceed the minimum standards and it would also have more than adequate outside space and facilities, including rear garden area and outbuildings for storage.

It is noted that the existing land adjacent to the application site is in the ownership of the applicant and used for dog training. In order to minimise the impact on neighbouring amenity and limit the intensification of use on the land, it is necessary to ensure that this land remains in use by the future occupants of the dwelling and cease its use for dog training. A condition is recommended to address this.

It is also considered necessary to remove the permitted development right for enlargement and outbuilding under Classes A, B, C and E to maintain the character and appearance of the land and surrounding countryside.

In summary, subject to conditions, the amenity impacts of the development are considered acceptable including with regard to Policies BNE2 and H9 of the Local Plan and paragraph 127 of the NPPF.

However a condition to require the agreement of a Construction Environmental Management Plan (CEMP) is recommended in order to limit the temporary impact of the construction period on neighbours (and highway safety) is recommended.

Highways

The access to the site is not ideal as it is single track, shared with other properties and has limited visibility at its junction with Station Road. However the proposal is for a single dwelling which would replace the existing dog training facility on the site, such that additional traffic movements would be minimal. In these circumstances there is no objection to the development on highway grounds. The right of access to use this track has been queried, however this is a private matter which would need to be settled separately between the owners/users if any approved development were to go ahead. It is not considered that the (low) level of traffic would result in any significant harm to traffic on the B2000.

Refuse collections would not be made from the site itself due to the limited access/distance from the highway. A bin collection point has therefore been shown within the current frontage of Conway near the Station Road frontage and on balance this is considered to be a satisfactory solution to this matter.

It is noted that the application submissions state that the applicant also has a right of access to the south between Clifton and North Bank. It is further stated that this access is not maintained and is rarely used and will be closed off to prevent access to the remaining field area.

The adopted Interim Residential Parking Standards require the provision of a minimum of two parking spaces for the proposed dwelling and there would be ample room for this, as well as space for on-site turning.

In summary the highways and parking impacts are therefore considered acceptable including with regard to Policies T1, T2 and T13 of the Local Plan and paragraph 109 of the NPPF. A condition requiring the provision of an electric vehicle charging point will be secured by condition in accordance with paragraph 110e of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of J250.39 per dwelling should be collected to fund strategic

measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has submitted a SAMMs agreement and paid this tariff, therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Climate Change and Energy Efficiency

The submissions state that it is intended to embrace the highest standards of sustainability and energy efficiency in a building and that in most areas the dwelling would significantly exceed the current Buildings Regulations requirements in relation to energy use and insulation. It is intended to achieve this through the inclusion of:

- highly insulated, timber framed walls, floors, and roofs to achieve low U-values for these elements;
- high specification glazing to windows with thermally broken timber and aluminium composite frames;
- insulated external door leafs;
- low air permeability testing results due to comprehensive air tightness detailing;
- whole house mechanical ventilation with heat recovery;
- target water consumption of 110 litres per person per day;
- solar PV panels mounted on the south facing roof slopes; and
- air source heat pumps.

There is no objection to the proposed development with regard to climate change and energy efficiency.

Other Matters

The application submissions include a report to assess the impact of the development on a mature willow tree in the neighbouring land to the north which is fairly close to the footprint of the proposed dwelling. The dwelling would be outside of the root protection area for this tree and the tree is to the north, avoiding overshadowing. Protection fencing would be needed during the construction period and this would be secured by condition. Landscaping details would also be secured by condition, the continued provision of a landscaped strip between the main part of the site and the rear of the Station Road properties and also new planting to the rear of the proposed site being important elements of the scheme. Subject to conditions there are no objections with regard to Policies BNE43 and H9 of the Local Plan.

It is not anticipated that the development would raise any issues with regard to contamination however with regard to Policy BNE23 of the Local Plan and paragraph 178 of the NPPF a condition to address the finding of any unexpected contamination is recommended.

Concern has been raised regarding the possibility of further development on adjacent land and the setting of a precedent for this, as well as with reference to other refused applications in the locality. However each application must be considered on its own merits at the time of submission. It is also noted that any significant intensification in the use of the existing access on to Station Road in connection with the current site is unlikely to be acceptable unless the access can be improved.

Local Finance Considerations

There are no relevant local finance considerations.

Conclusions and Reasons for Approval

In light of the above, taking into account the advice in the NPPF, although the development would not accord with Policy BNE25 of the Local Plan, it is not in an isolated unsustainable location and would not harm the overall character and appearance of the wider countryside due to the individual site circumstances including its relationship with existing dwellings. In these circumstances and noting that the Council does not currently possess a five year land supply for housing the development is considered acceptable in principle. Subject to conditions the design, amenity, highway and landscape impacts of the proposal are considered acceptable and there would be no conflict with Policy H9 of the Local Plan. A contribution towards bird disturbance mitigation has been made. Approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, BNE23, BNE25, BNE35, BNE43, H9, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 8, 11, 70, 77, 78, 79, 109, 110, 127, 175, 176 and 178 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>